IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 29757 of 2006(P)

PETITIONER:

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1. I.D.PRASAD,
   MOOTHEDATH, MEVALLUR P.O., VAIKOM.

2. ISAC CHACKO,
   MULAYANKOTTIL, KARIKODE, VAIKOM.

3. M.R.RAJU @ RAJAN,
   MULAMPATH, VELLUR, VAIKOM.

4. NIZAMUDEEN,
   KURIVATTA KARIMANGAM, MIDAYIKKUNNAM P.O.,
   THALAYOLAPARAMBU.

5. M.T.PRAKASHAN,
   MYAL PALLIL, VELLUR, MEVALLUR P.O.

6. SALIM K.E.,
   KOLEDATH HOUSE, THALAYOLAPARAMBU P.O.,
   VAIKOM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

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1. DISTRICT COLLECTOR,
   KOTTAYAM.

2. TAHSILDAR,
   VAIKOM.

BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.29757 of 2006

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Dated this the 28th day of November, 2006.

JUDGMENT

The prayer in the W.P. is for extension of licence period for mining sand from the river on the ground that respondents stopped mining for a few days due to flood. There is no provision in the mining licence to extend the duration of mining for this reason. Moreover, in similar cases this court found that the fresh licence for mining have been granted or was being granted and extension of time will interfere with subsequent mining by other licencees. Petitioner's claim for refund of proportionate amount of royalty paid also cannot be granted because the mining licence does not provide for the same. In the circumstances, W.P. is dismissed leaving freedom to the petitioner to apply for fresh licence.

C.N.RAMACHANDRAN NAIR
Judge

pms